

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-704**

**Appellant(s): Allen Dewing, Jr.**

**vs.**

**Appellee(s): City of Concord**  
**Ray Matte**

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 7<sup>th</sup> Edition 780 CMR 5311.5.3.1 for 47 Ripley Hill Road, Concord, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on February 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared and testified for the hearing.

**Discussion**

A motion was made to grant the Appellant's request for a variance from the 7<sup>th</sup> Edition of 780 CMR 5311.5.3.1 based on the exhibits and testimony that was presented which noted that adding an additional step to meet the riser height requirement created a hardship, especially in that it would interfere with parking in the garage. It was noted that the building official found the slightly higher risers were uniform, felt that they were safe, and was not opposed to this proposal. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

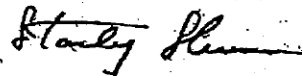
**The Appellant's request for a variance from the 7<sup>th</sup> Edition 780 CMR 5311.5.3.1 is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: February 5, 2009.**



Douglas Semple



Jacob Nunnemacher



Stanley Shuman

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.